



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-505-B)

In re Application of:)
Progulski-Fox)
Serial No.: 09/980,845) Examiner: To Be Assigned
Filed: August 4, 2000) Group Art Unit: To Be Assigned
For: Microbial Polynucleotides Expressed)
During Infection of a Host)

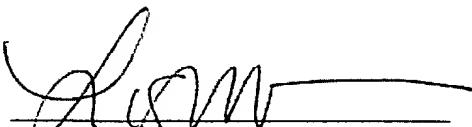
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above-identified patent application:
 - Transmittal letter (in duplicate);
 - Response to Notice of Defective Response;
 - Copy of Notification of Defective Response;
 - Paper copy of sequence listing;
 - Diskette of sequence listing;
 - Return Receipt Postcard
2. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
3. **CERTIFICATE OF MAILING UNDER 37 CFR §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2005.

Dated: February 3, 2005

By:


Lisa M.W. Killman, Ph.D
Reg. No. 43,673



DT02 Rec'd PCT/PTO 07 FEB 2005

POJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Notification of Defective Response mailed on January 3, 2005, in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

The Notification of Defective Response stated that the computer readable copy was unreadable and also stated that errors found in the sequence listing were attached to the Notice. However, there was no attachment to the Notice. Applicants requested the attachment from Examiner Vonda Wallace on January 24, 2005 via phone and facsimile. However, the attachment to the Notice has not been received by Applicants. Applicants respectfully request that any errors in the sequence listing be brought to their attention at the Office's earliest convenience.

Enclosed is a written copy and a computer-readable copy of the sequence listing in the above mentioned case. The information recorded in computer readable form is identical to the written sequence listing. No new matter is added by the sequence listing. Applicants respectfully request that the specification of the application be amended by deleting the previously filed sequence listing and the entry of the enclosed sequence listing.

Respectfully submitted,

Date: 2/3/05

By: 
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B
		INTERNATIONAL APPLICATION NO.
		PCT/US00/21340
I.A. FILING DATE		PRIORITY DATE
08/04/2000		08/06/1999
CONFIRMATION NO. 3701		
371 FORMALITIES LETTER		
 *OC00000008256428*		

Date Mailed: 01/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/15/2001
- Copy of the International Search Report filed on 11/15/2001
- Copy of IPE Report filed on 04/08/2002
- Information Disclosure Statements filed on 04/08/2002
- Biochemical Sequence Diskette filed on 04/08/2002
- Oath or Declaration filed on 04/08/2002
- Biochemical Sequence Listing filed on 04/08/2002
- Small Entity Statement filed on 11/15/2001
- Request for Immediate Examination filed on 11/15/2001
- Copy of references cited in ISR filed on 11/15/2001
- U.S. Basic National Fees filed on 11/15/2001

DOCKETED

JAN 07 2005
 DUE DATE 2-3-05
 BY 1/28/05


Applicant's response filed 04/08/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2002 have not been completed.

✓ **Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)